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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,337	09/28/2001	Hirokazu Kondo	Q66004	2330

7590

12/14/2005

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Washington, DC 20037-3202

EXAMINER
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SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/964,337		KONDO, HIROKAZU	
	<b>Examiner</b>		<b>Art Unit</b>	
	Sajous Wesner		2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8, 10, 13, 14, 16, 17, 19, 20, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 9, 12, 15, 18, 21 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This communication is responsive to the response filed on 10/3/05. Claims 1-6, and 8-24 are presented for examination.

#### ***Response to Arguments***

1. Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9, 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spaulding et al. (US 6269184) in view of Kakutani (US 6215561).

Considering claims 9 and 24, Spaulding discloses a color reproduction characteristic display apparatus for displaying color reproduction characteristics wherein an association between coordinates of a first color space, said first color space being device-dependent and defining a color on image data and coordinates of a second color space, said second color space being device-independent and defining a color on an image, said first and second color spaces and associated coordinates being defined in accordance with a device for mediating between the image data and the image (see

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abstract, lines 51-65 of column 3, lines 1-30 of column 4 and lines 5-13 of column 5; it is noted that color space transformation of input and output data values can be device-independent color space such as a CIELAB color space); a range designation section for designating a desired coordinate range in said first color space in accordance with an operation ("Second, the user is given the choice of manually choosing specific input color values to be mapped to specific output color values" see lines 64-67 of column 4 and lines 5-13 of column 5; also see lines 54-57 of column 5). It is noted that while the claim recites coordinate, it is clear that the values of the color space representing the same (see lines 1-10 of column 4). Thus, Spaulding meets the claimed limitation. In addition, Spaulding discloses an image display section (item 50 of fig. 3) for displaying a color reproduction image in which there are plotted coordinate points on said second color space associated with coordinates within the coordinate range designated by said range designation section of coordinates of lattice points (as depicted in figs. 5[A-C], wherein the lattice indices would be determined by the input control values and the position of the nodes would be determined by the default mapping, see lines 33-50 of column 7 in view of lines 5-29 of column 6 and lines 25-34 of column 3. The arrows in FIG. 5B represent the direction and distance that the corresponding color values in the output space have been moved when the user designates the constraints by picking the corresponding color values in the output space, as set forth in claim 24).

Spaulding lacks the teaching of a first color space is partitioned as a lattice (e.g., points).

Kakutani discloses a first color space is partitioned as a lattice (see col. 19 line 62 to col. 20, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the color conversion method of Spaulding to include the partitioning of a first color space into lattices in the same conventional manner as taught by Kakutani; so that the color of an input color original read with the scanner (or device-dependent) is made identical with the color of an output color image printed on a printing medium (e.g., device-independent) with the color printer. See Kakutani's col. 19, lines 36-38.

Regarding claim 12, Spaulding fails to disclose plotting a three-dimensional room around said color reproduction image.

Kakutani, at fig. 6, discloses plotting a three-dimensional room around said color reproduction image (while the claim broadly recites three-dimensional room, it is clear that the lattice reproduction image using three-dimensional color space meets the limitation). See col. 19, lines 26-30, and claim 9 for reason of obviousness.

4. Claim 15, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spaulding and Kakutani as applied to claim 9 above, and further in view of Takizawa et al. (US 5,625,762; refer to as Takizawa herein).

Regarding claims 15, 18 and 21, Spaulding and Kakutani fail to teach at least two different types of rotation for posturing the image include i) follow rotation and ii) absolute rotation; wherein said follow rotation comprises displaying a color image which

is rotated by a rotary angle according to an operating amount around an axis in accordance with an operation and said absolute rotation comprises displaying a color image of beginning at an initial state and the rotation around various axes are performed in a named order.

Takizawa discloses the equivalence for two different types of rotation for posturing the image include i) follow rotation and ii) absolute rotation; wherein said follow rotation comprises displaying a color image which is rotated by a rotary angle according to an operating amount around an axis in accordance with an operation and said absolute rotation comprises displaying a color image of beginning at an initial state and the rotation around various axes are performed in a named order (see line 50 of column 5 to line 41 of column 6 and Fig. 2-4; the user is able to input parameters for rotation angle (follow rotation) and rotation axes (absolute rotation) and the initial stage of projection of the color values corresponds to the beginning of the initial state of the rotation). Thus, it would have been obvious to one of ordinary skill in the art to utilize the teaching of Takizawa to provide the advantage of manipulate and process color space values without requiring vast steps of computations (lines 49-67 of column 2 of Takizawa).

#### **Allowable Subject Matter**

5. Claims 1-6, 8, 10-11, 13-14, 16-17, 19-20 and 22-23 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

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Prior art references do not anticipate or suggest the limitation wherein said image display section displays the color reproduction image together with information as to a distance in said second color space, said distance noting a color difference of, and corresponding to, two points on the color reproduction image designated by said display plot designation section" in combination with the other claim limitations in claims 1 and 6.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, are as recited in the PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on Mondays thru Fridays between 11:00 AM and 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Wesner Sajous**

12/9/05